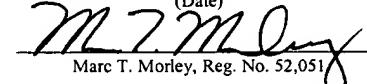




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | | |
|-----------|---|-----------------------|---|---|
| Applicant | : | Felgner, et al. |) | Group Art Unit 1635 |
| | | |) | |
| Appl. No. | : | 09/738,046 |) | I hereby certify that this correspondence and all |
| | | |) | marked attachments are being deposited with the |
| Filed | : | December 15, 2000 |) | United States Postal Service as first-class mail in |
| | | |) | an envelope addressed to: Commissioner for |
| For | : | INTRACELLULAR PROTEIN |) | Patents, P.O. Box 1450, Alexandria, VA 22313- |
| | | DELIVERY COMPOSITIONS |) | 1450, on |
| | | AND METHODS OF USE |) | |
| | | |) | |
| Examiner | : | Brian A. Whiteman |) | |
| | | |) | |

November 3, 2003
(Date)

Marc T. Morley, Reg. No. 52,051

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action of October 3, 2003, Applicants hereby submit the following provisional election and response to the restriction requirement.

REMARKS

In response to the Restriction Requirement, Applicants hereby provisionally elect to prosecute the invention set forth in Group I, Claims 1-7 and 9-27, in this application. The provisional election is made with the understanding that upon allowance of linking Claim 5, the restriction between the claims of Group I and Group II shall be withdrawn. This provisional election is made with traverse. In the event that the Patent Office maintains the Restriction Requirement, Applicants reserve the right to prosecute Claims 1-6, 8-19 and 21-27 in divisional applications under the provisions of 35 U.S.C. § 121.

Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement. Specifically, Applicants request withdrawal of the restriction between Groups I

Appl. No. : 09/738,046
Filed : December 15, 2000

and II and examination of the claims of Groups I and II together. The Office justified the restriction requirement by concluding that the inventions of Groups I and II are unrelated because allegedly ionic linkages have a different function and mode of operation than a covalent linkage, that therefore, searching would not be co-extensive. Respectfully, Applicants disagree.

The examination of the claims of Groups I and II together would result in a minimal burden on the Office. The invention of Group I and the invention of Group II are in the same general technology and would inevitably require examining the subject matter of the more generic claims of Groups I and II, and vice versa, thereby minimizing the burden on the Office. Also, as noted in the Office Action, the claims of Groups I and II are all classified in class 514 and subclass 2. Therefore, examination of the claims of Groups I and II together would result in little or no burden on the Office.

CONCLUSION

In light of the above remarks, reconsideration and withdrawal of the Restriction Requirement is specifically requested. If the Examiner finds any remaining issues that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/3/03

By:



Marc T. Morley
Registration No. 52,051
Agent of Record
Customer No. 20,995
(619) 235-8550



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PATENT

Case Docket No. GTSYS.004A
Date: November 3, 2003

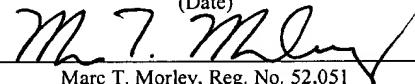
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Felgner, et al.
Appl. No. : 09/738,046
Filed : December 15, 2000
For : INTRACELLULAR PROTEIN
DELIVERY COMPOSITIONS
AND METHODS OF USE
Examiner : Brian A. Whiteman
Group Art Unit : 1635

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

November 3, 2003

(Date)


Marc T. Morley, Reg. No. 52,051

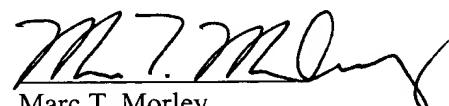
TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) A Response to Restriction Requirement.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.



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